S.B.Cr.Misc. Bail App. No. 4374/2006
(Girdhari Vs. State of Rajasthan)

Date of order : 10/10/2006

HON'BLE MR.H.R.PANWAR, J.

Mr. B.S.Rathore for the petitioner.

Mr. K.L.Thakur, Additional Advoate General for the State.

Mr. J.S.Choudhary, for the complainant.

Heard learned counsel for the petitioner and Additional Advocate General as also the counsel appearing for the complainant. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioner that similarly situated co-accused Rajendra Singh has been released on bail by a Co-ordinate Bench of this Court vide order dated 04.10.2006. Learned counsel further submits that on the relevant date of occurrence, the petitioner was not present at the place of occurrence. It is not the case of the prosecution that the petitioner has participated in the commission of crime. The allegation against the petitioner is that he entered into a conspiracy by traveling with Manjeet Singh in his vehicle up to Laxmangarh and thereafter it is alleged that the petitioner brought back the said vehicle and it is also stated that Manjeet Singh accompanied Nagarmal from Sikar to onward Delhi and West Bengal and started living with Nagarmal the uncle of the petitioner who is running business in West Bengal and subsequent thereto Manjeet Singh was arrested by the West Bengal Police under Section 34 of Police Act on 23.6.2006 and remained in judicial custody for 2-3 days and while Manjeet Singh against whom there is allegation of conspiracy was in West Bengal, the occurrence of instant case took

place on 27.6.2006 and Anand Pal Singh who is brother of Manjeet Singh is the main accused. . At any rate, on the date of commission of the crime, Manjeet Singh was in the custody or might have been released from custody, but he was not at the place of occurrence and was at West Bengal.

Learned Additional Advocate General appearing for the State submits that the main accused has not been arrested, however, there are as many as five accused persons who have been arrested.

The allegation against the present petitioner is that he allowed Manjeet Singh who is said to be the brother of main accused to travel from Didwana to Laxmangarh in the vehicle owned by Manjeet Singh and thereafter he brought the vehicle back and Manjeet Singh went back to West Bengal with the uncle of the petitioner, except this, one more allegation is that the main accused is considered to be the brother of the present petitioner by certain customs and petitioner had knowledge that Anand Pal Singh would murder deceased Jeewan Ram. Be that as it may. Except that the petitioner allowed Manjeet Singh to travel with him, there is no other evidence and Manjeet Singh on the relevant date of occurrence was at West Bengal according to the prosecution case and has not participated in the commission of crime and the fact that similarly situated co-accused Rajendra Singh has been granted bail, looking to the facts and circumstances of the case and having considered the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is

allowed and it is directed that petitioner Girdhari S/o Chhagan Lal be released on bail in FIR No.114/06 P.S. Didwana, Nagaur, provided he executes a personal bond for a sum of Rs. 30,000/- with two sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP